

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FEDERAL TRADE COMMISSION,

Petitioner,

v.

NETLATITUDE, INC.,

Respondent.

Case No. 4:21-mc-01300

**UNOPPOSED MOTION TO
CONTINUE HEARING ON
PETITION TO ENFORCE
CIVIL INVESTIGATIVE
DEMAND**

The Federal Trade Commission (FTC) respectfully requests that the Court continue the March 23, 2022 telephonic hearing on the FTC’s Petition to Enforce Civil Investigative Demand (“the Petition”) for the reasons set forth below.

On January 8, 2021, the FTC issued a Civil Investigative Demand (CID) to Respondent Netlatitude, Inc. (“Netlatitude”) seeking the production of documents and information related to potentially telemarketing calls placed through Netlatitude’s Voice over Internet Protocol (VOIP) services. *See* Dkt. 1 at ¶ 9. After Netlatitude did not respond to the CID, the FTC contacted Netlatitude by email and phone but Netlatitude did not respond. *See id.* at ¶ 11. Thus, on May 28, 2021, the FTC filed the Petition, which seeks to compel Netlatitude to produce the documents and information requested by the FTC’s CID. Dkt. 1. The FTC served Netlatitude with the Petition on July 15, 2021. Dkt. 7.

On March 11, 2022, the Court entered an order setting a telephonic hearing on the

Petition for March 23, 2022 at 11:00 AM.¹ Dkt. 9. On March 18, 2022, attorneys at Greenspoon Marder LLP notified the FTC that they had recently been retained to represent Netlatitude in connection with the present proceeding and requested that the FTC file an unopposed motion seeking to continue the March 23 hearing by thirty (30) days. Ex. 1 at 2. The FTC agreed to do so in exchange for Netlatitude's agreement to produce all of the documents and provide the information requested by the FTC's CID (and sign the Certification of Compliance) by no later than April 11, 2022. *Id.* at 1. Netlatitude agreed to the FTC's proposal. *Id.*

Accordingly, pursuant to the agreement between the parties, the FTC respectfully requests that the Court continue the hearing currently scheduled for March 23, 2022 by thirty (30) days in order to allow the parties to potentially resolve this matter without judicial intervention. To the extent Netlatitude produces all of the documents and information sought by the FTC's CID and signs the Certification of Compliance, that will moot the need for judicial intervention in this matter entirely. Moreover, even if the parties are unable to resolve all of the FTC's requests before April 25, 2022, a continuance will likely narrow the issues in dispute substantially prior to appearing before the Court. Either outcome will preserve judicial resources.

Therefore, the FTC respectfully requests that the Court continue the hearing currently scheduled for March 23, 2022 to April 25, 2022.

¹ The FTC served Netlatitude with the Court's order on March 15, 2022.

Respectfully submitted,

Reilly Dolan
Acting General Counsel
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Dated: March 18, 2022

/s/ Miles D. Freeman
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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.3, the undersigned hereby certifies that this document will be served on counsel for Respondent Netlatitude, Inc. via email on March 18, 2022 or, if email service is not agreed to, via U.S. Mail on March 21, 2022.

/s/ Miles D. Freeman

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